

REMARKS

The present Amendment is in response to the Office Action mailed May 21, 2004 in the above-identified application. Enclosed herewith is a Petition requesting a three month extension of time for resetting the deadline for responding to the Office Action from August 21, 2004 to and including November 21, 2004.

The Examiner objected to the Oath/Declaration because the title of the invention does not match the title of the invention according to the BIB DATA SHEET. In response, Applicants enclose herewith a Supplemental Declaration signed by the inventors.

The Examiner objected to the specification as having minor informalities in the CROSS REFERENCE TO RELATED APPLICATIONS section. Applicants have amended paragraph one of the present application to add the patent numbers suggested by the Examiner. Applicants have also amended the title of the application to --Intervertebral Spacer Device Having A Slotted Domed Arch Strip Spring--.

The Examiner objected to claim 1 as having a minor informality. In response, claim 1 has been amended to add -- slotted domed arch strip spring-- in front of "restoring force" on line 8 of the claim. In view of the above-noted amendment, claim 1 is deemed to satisfy the Examiner's objection set forth in paragraph 3 of the Office Action.

The Examiner rejected claims 1-7 under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-7 of U.S. Patent No. 6,669,731. In response, Applicants have amended independent claims 1 and 6 so that the claims are no longer co-extensive in scope with claims 1-7 of U.S. Patent No. 6,669,731. In view of the above-noted amendment, Applicants respectfully assert that claims 1-7 now satisfy the requirements of

35 U.S.C. § 101 and are otherwise allowable.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: November 11, 2004

Respectfully submitted,

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